IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.305 of 2005

Dr Dilipkumar Vithaldas Patil.. petitioner
vs
Dr Balasaheb Sawant Konkan Krishi Vidyapeeth and ors..Respondents

Mr M A Choudhari for petitioner
Ms Deepa Chavan i/b Little and co for respondent.

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated 5.7.2005

P.C:

l. In this petition the petitioner seeks to challenge the prescribed age limit adopted by the respondent University mainly on two grounds:

i) that some other Universities do not have such stipulation of age limit.

ii) that the petitioner is entitled to relaxation of age as he is working with the Government of India.

. We find no substance in either of the grounds. As far as age limit is concerned statute 42 of the Maharashtra Agricultural Universities (Krishi Vidyapeeth) reads as under:

"Statute 42. Age limit- Upper age limit for the post of Director, Dean, Associate Dean and other equivalent posts shall be 50 years. Upper age limit for the pots of the Head of Department, Profesors and other equivalent posts shall be 45 years. There shall be no upper age limit for the persons employed in any University within the meaning of the Act.

Provided that, the upper age limit prescribed for appointment to any of the said posts in the Univesity services under the relevant statues shall be relaxable by five years in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, Nomadic Tribes, Denotified Tribes and Scheduled Castes converts to Buddhism who are not employed in any University within the meanign fo the Act"

2. Statute 42 has been framed by the State Government under section 38(c) of the Maharashtra Agricultural Universities (Krishi Vidyapeeth) Act, l983. In view of the statute framed by the State Government, earlier statutes framed by the Agricultural Universities have been superseded and

are rendered inoperative.

3. So far as the 2nd ground is concerned there is no provision for grant of relaxation of age limit for the Central Government employees. In the absence of any such provision petitioner cannot claim relaxation in age limit prescribed. In the circumstances we do not see no reason to entertain the petition. Petition is dismissed.